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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,808	03/15/2004	Fernando Gonzalez	04-5471	1619

39820 7590 07/20/2004
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EXAMINER

ARK, DARREN W

ART UNIT PAPER NUMBER

3643

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,808

Applicant(s)

GONZALEZ, FERNANDO

Examiner

Darren W. Ark

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ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/15/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the second end of the holder being frayed (see claim 5) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first end and the second end of the holder having caps (see claim 11; only one end was disclosed as having a cap) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 5, 6, 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In regard to claim 5, the second end of the holder has not been disclosed in the specification or figures as being frayed, just corked.

In regard to claim 11, only one end of the holder has been disclosed as having a removable cap.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by GB Pat. No. 1216941 to Morgan.

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Morgan discloses a hollow cylindrically shaped holder (13, 14) with at least one window (one of 3, 6) and being made of PVC pipe (see line 41); the first end of the holder is frayed (via 3, 6) and second end is corked (blocked via 9, 10); at least one hole (other of 3, 6); a cap (15).

In regard to claim 5, the first and second ends are frayed (via 3, 6, and irregular surfaces presented on the other lower end; the term "frayed" does not particularly claim the structure of the ends¹).

7. Claims 1-10, 12, 13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Perlman et al. 4,977,700.

Perlman et al. discloses a hollow cylindrically shaped holder (10) with at least one window (one of 20 or 21) and being made of PVC pipe (see col. 2, lines 67, 68); the first end of the holder is frayed (21, 22) and second end is corked (blocked via 24); at least one hole (other of 20 or 21); a cap (23 or even 24; the cap is not being particularly claimed).

In regard to claim 5, the first and second ends are frayed (via 20, 21).

8. Claims 1, 5, 6, 9, 12, 13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Woodhead 2,629,200.

Woodhead discloses a hollow cylindrically shaped holder (1) with at least one window (7); the first end of the holder is frayed (at 13 or 48); at least one hole (other of 7, 13, 48 or other holes at ends of device); a cap (24-26 or 43).

In regard to claim 5, the first and second ends are frayed (via 13, 48).

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In regard to claims 12 and 13, Woodhead discloses feeding a leader through the at least one window (7 as shown in Fig. 1 or 6) and securing the hook to the holder (via 13 or 48) and placing a cap on one end (24-26 or 43).

9. Claims 1, 3-11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Crosby 5,533,297.

Crosby discloses a hollow cylindrically shaped holder (70) with at least one window (86 or 94); the first end being frayed (via 86 or 94) and the second end being corked (via 40 or 98); has at least one hole (the other of 86 or 94 or also 84, 96); a cap (40 or 98).

In regard to claim 11, Crosby discloses both ends with caps (40, 98).

10. Claims 1, 3-11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Alotta 3,713,244.

Alotta discloses a hollow cylindrically shaped holder (8, 10) with at least one window (one of 34); the first end of the holder is frayed (via 20, 22) and second end is corked (blocked via 54); at least one hole (other of 34 or also holes occupied by 74 and 18); a cap (14).

In regard to claim 5, the first and second ends are frayed (via 20, 22 and irregular structure at the other end including 58, 50).

In regard to claim 7, both ends are corked (via 54, 14).

In regard to claim 11, the first and second ends have caps (via 14, 54).

11. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bliven 4,866,875.

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Bliven discloses a hollow cylindrically shaped holder (10) with at least one window (60) and being made of PVC pipe (see col. 4, line 18); the first end of the holder is frayed (40 or 50) and second end is corked (blocked via 40 or 50; or also see Fig. 6 where blocked by 96); at least one hole (other of 60); a cap (40 or 50; or also see 96 in Fig. 6).

In regard to claim 5, the first and second ends are frayed (see Fig. 1).

12. Claims 1, 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ashbaugh 5,337,511.

Ashbaugh discloses a hollow cylindrically shaped holder (12) with at least one window (14) and being made of PVC pipe (see col. 6, line 39).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodhead 2,629,200.

Woodhead discloses the claimed invention except for the device made of PVC.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device out of PVC, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its

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suitability for the intended use as a matter of obvious design choice, and because PVC is a readily available, inexpensive material that is durable and can be molded into many different configurations and sizes. *In re Leshin*, 125 USPQ 416.

15. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crosby 5,533,297.

Crosby discloses the claimed invention except for the device made of PVC. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device out of PVC, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice, and because PVC is a readily available, inexpensive material that is durable and can be molded into many different configurations and sizes. *In re Leshin*, 125 USPQ 416.

16. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alotta 3,713,244.

Alotta discloses the claimed invention except for the device made of PVC. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device out of PVC, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice, and because PVC is a readily available, inexpensive material that is durable and can be molded into many different configurations and sizes. *In re Leshin*, 125 USPQ 416.

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17. Claims 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman et al. 4,977,700 in view of Woodhead 2,629,200.

Alternatively, Perlman et al. does not disclose at least one end with a cap. Woodhead discloses at least one end with a cap (24-26 or 43). It would have been obvious to a person of ordinary skill in the art to employ the cap of Woodhead in the device of Perlman et al. in order to provide means to prevent the hooks from escaping from the open ends of each of the slots in which they are to be retained.

18. Claims 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bliven 4,866,875 in view of Woodhead 2,629,200.

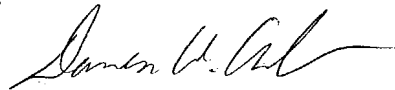
Alternatively, Bliven does not disclose at least one end with a cap. Woodhead discloses at least one end with a cap (24-26 or 43). It would have been obvious to a person of ordinary skill in the art to employ the cap of Woodhead in the device of Bliven in order to provide means to prevent the hooks from escaping from the open ends of each of the slots in which they are to be retained.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (703) 305-3733. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Darren W. Ark
Primary Examiner
Art Unit 3643

DWA